

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JERRY BLANEY, 1519297,)	
Plaintiff,)	
)	
v.)	No. 3:10-CV-2364-P
)	
JUDGE NFN OVARD,)	
Defendant.)	

ORDER

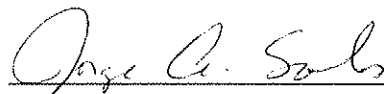
Before the Court is Plaintiff Jerry Blaney's ("Blaney's") objections to the magistrate judge's January 31, 2011, Findings, Conclusions and Recommendation.

Blaney objects that the magistrate judge construed his complaint as a civil rights complaint. He states his complaint should be construed as a habeas corpus petition. Even if the Court construes his complaint as a habeas corpus petition, however, his petition must be dismissed. The petition seeks to file criminal charges against Defendant Judge Ovard for alleged actions taken during Blaney's state criminal trial. Blaney, however has failed to show the existence of any private right of action to pursue criminal charges. Additionally, a habeas corpus petition provides no such remedy. *See Preiser v. Rodriguez*, 411 U.S. 475, 488-90 (1973); *Carson v. Johnson*, 112 F.3d 818, 820 (5th Cir. 1997) (stating that a petition for writ of habeas corpus permits a petitioner to seek immediate or earlier release from custody). Blaney's objections are hereby OVERRULED.

After making the review required by 28 U.S.C. § 636(b), the Court finds that the Findings, Conclusions and Recommendation of the Magistrate Judge are correct, and they are

adopted as the findings and conclusions of the Court.

Signed this 17th day of February, 2011.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE